

DECLARATION & POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My correct residence, post office address and citizenship are stated below next to my name.

I believe myself to an original and first joint inventor of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

“ SYNCHRONIZED STREAMED PLAYBACK AND LOCAL RECORDING FOR PERSONAL COMPUTERS”

The specification of this subject matter:

X is attached hereto.

was filed on xxx;

was assigned serial No. xxx;

which was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

| Number | Country | Month/Day/Year Filed | Yes | No |
|--------|---------|----------------------|-----|----|
| Number | Country | Month/Day/Year Filed | Yes | No |
| Number | Country | Month/Day/Year Filed | Yes | No |

| Application Number | Filing Date |
|--------------------|-------------|
|--------------------|-------------|

| Application No. | Filing Date | Status (Issued, Pending, Abandoned) |
|-----------------|-------------|-------------------------------------|
|-----------------|-------------|-------------------------------------|

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

FULL NAME OF FIRST Name
INVENTOR 1

MIDDLE Initial(s)

LAST Name

| | | | |
|-------------------------------|---------------------|--------------------------|------------------|
| | John | C. | Gaddy |
| RESIDENCE AND City | | State or Foreign Country | Country of |
| Citizenship | | | |
| CITIZENSHIP | | | |
| | Cupertino | California | United States |
| POST OFFICE Number and Street | | City | State or Country |
| Code | | | Zip |
| ADDRESS | | | |
| | 1210 Stafford Drive | Cupertino | California 95014 |

FULL NAME OF FIRST Name
INVENTOR 2

MIDDLE Initial(s)

LAST Name

| | | | |
|-------------------------------|-----------------------------|--------------------------|------------------|
| | John | D. | Marshall |
| RESIDENCE AND City | | State or Foreign Country | Country of |
| Citizenship | | | |
| CITIZENSHIP | | | |
| | Redwood City | California | United States |
| POST OFFICE Number and Street | | City | State or Country |
| Code | | | Zip |
| ADDRESS | | | |
| | 823 11 th Avenue | Redwood City | California 94063 |

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1

Date

Signature of Inventor 2

Date

37 C.F.R. §1.56**Duty to disclose information material to patentability**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled